

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 1711 of 2015 ()

CC. NO.1506/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. SAIBI, AGED 33 YEARS,
S/O.SAIMON, EDAKALATHUR CHANGALAI HOUSE,
MULLASERI P.O., THRISSUR DISTRICT.**
- 2. SAIMON, AGED 63 YEARS,
S/O.ANTONY, EDAKALATHUR CHANGALAI HOUSE,
MULLASERI P.O., THRISSUR DISTRICT.**
- 3. ANIE, AGED 59 YEARS,
W/O.SAIMON, EDAKALATHUR CHANGALAI HOUSE,
MULLASERI P.O., THRISSUR DISTRICT.**

BY ADV. SRI.P.P.BIJU.

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUMA, AGED 26 YEARS, W/O.SAIBI,
THNANATHARA HOUSE, KANIMANGALAM P.O.,
THRISSUR DISTRICT, NOW RESIDING AT B1,
CHELOOR COUNTRY COURT APARTMENT,
NEAR KARTHIYAYINI TEMPLE, AYYATHOLE,
THRISSUR DISTRICT-686 101.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SRI.P.K.VARGHESE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE I : PHOTO COPY OF THE FINAL REPORT IN C.C.NO.1506/2014
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHAVAKKAD.**

**ANNEXURE II : ORIGINAL OF THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT.**

ANNEXURE III : TRUE COPY OF THE WOUND CERTIFICATE DATED 24-04-2014.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

B.KEMAL PASHA, J.

Crl.M.C.No.1711 of 2015

Dated this the 1st day of April 2015

ORDER

The petitioners, who are accused 1 to 3 in Crime No.622/201 of Pavarty police station and presently, pending as C.C.No.1506/2004 of the Judicial First Class Magistrate's Court, Chavakkad, for the offence punishable under Section 498A read with Section 34 of the I.P. C, have come up with this petition for getting Annexure-I final report in above case and all further proceedings in C.C.No.1506/2004 of of the Judicial First Class Magistrate's Court, Chavakkad, quashed.

2. The allegation against the petitioners is that they have tortured and harassed the *de-facto complainant*, who is the wife of the first petitioner and treated her with cruelty, within the meaning

of Section 498A of the Indian Penal Code.

3. According to the petitioners, the matter has been amicably settled between the first petitioner and the *de-facto complainant*/second respondent herein, in a mediation and presently, the first petitioner and the *de-facto complainant* are living together as husband and wife.

4. The second respondent has filed an affidavit stating that the matter has been amicably settled and presently, they are residing together as wife and husband. She has no objection in quashing Annexure-I final report in Crime No.622/2014 and all further proceedings in C.C.No.1506/2004 of of the Judicial First Class Magistrate's Court, Chavakkad. The second respondent has entered appearance through her counsel. The learned counsel for the second respondent also endorses the fact that the affidavit has been sworn in by the second respondent.

5. Considering the fact that the parties have resolved all the

disputes between them and are living together, I am of the view that this is a fit case wherein Annexure-I final report in Crime No.622/2014 of Pavarty police station and all further proceedings in C.C.No.1506/2004 of the Judicial First Class Magistrate's Court, Chavakkad, can be quashed under Section 482 of Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed and Annexure-I final report in Crime No.622/2014 of Pavarty police station and all further proceedings in C.C.No.1506/2004 of the Judicial First Class Magistrate's Court, Chavakkad, are quashed.

**sd/
B.KEMAL PASHA,
JUDGE**

dl

// True Copy //

PA to Judge